The Planning Inspectorate

Appeal Decision

Site visit made on 23 January 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/R0660/W/17/3186293
Moggie Lane Farm, Moggie Lane, Adlington SK10 4NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Alex Mckay against the decision of Cheshire East Council.
- The application Ref 17/3921M, dated 31 July 2017, was refused by notice dated 29 September 2017.
- The development proposed is construct a self-build residential dwelling on the land shown edged with red on the plan, being land on the south side of Dickens Lane, Wards End, Adlington.

Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt. Accordingly, the main issues are:

   i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

   ii) The effect on openness and the purposes of including land within the Green Belt;

   iii) The effect of the proposal upon character and appearance, highway safety and protected species; and

   iv) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The construction of new buildings within the Green Belt is inappropriate. Exceptions to this are set out in Paragraph 89 of the Framework, one of which is limited infilling in villages, another being limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4. Policy PG 3 of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) (LPS) sets out that in settlements and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the Framework. Policy GC1 of the Macclesfield Borough Local Plan (January 2004) (LP) sets out that planning permission for new buildings will not be given unless it meets certain exceptions, none of which would apply to this proposal. Given that elements of Policy GC1 of the LP are not consistent with the provisions of the Framework, I have given it reduced weight in my assessment.

5. With the exception of a very dilapidated structure and a small timber triangular shaped cabin, the site is undeveloped, being used as what appears to be an allotment. It features well-established trees and landscaping, with hedges and stone walls to the boundaries. The road runs around the north corner of the site.

6. The area has a semi-rural character, being sited close to Poynton and features sporadic dwelling plots to the south and opposite. The proposal is to erect a detached 2 storey, 3 bedroom house and detached garage.

7. *Limited infilling in villages* - The site has a wide frontage with only neighbouring buildings to the southern boundary. Although there is no definition of limited infill in the Framework, to my mind, it would be the filling of a narrow or restricted gap. The proposal would extend the linear pattern of development from the south, but would not fill a gap. Thus, it could not be described as limited infilling.

8. *Previously developed sites* - The site features no development of any scale or permanence and, having regard to the definition of previously developed land in the Framework, as the site appears to be used as an allotment it could not be described as previously developed. However, even if I were to conclude that the site was previously developed, the erection of a dwelling would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development on this site.

9. This being the case, the proposal would not meet any of the exceptions set out in Paragraph 89 of the Framework, nor those set out in Policy PG 3 of the LPS or Policy GC1 of the LP. The proposal would be inappropriate development in the Green Belt.

10. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and purpose of the Green Belt

11. Whilst I understand that the dwelling would be sited on a lower land level than Moggie Lane, it would still introduce a substantial form of development. The site is open and prominent; and the effect of the proposed screening would only ameliorate the proposal slightly. Consequently, the proposal would reduce openness by a considerable degree. It would also extend the linear form of development from the south, harmfully encroaching into the countryside.

12. Therefore, I find conflict with Policy PG 3 of the LPS, which aims to keep land permanently open or largely undeveloped. I also find conflict with the Framework, as openness is an essential characteristic of Green Belts and one of its purposes is to safeguard the countryside from encroachment.

Character and appearance, highway safety and protected species

13. The plans before me are unclear and it is difficult to interpret exactly what the dwelling would look like. Additionally, I have little information before me regarding visibility splays, sightlines or ecological matters. These matters are particularly important to assess the effect of the proposal upon character and appearance, highway safety and protected species; and based on the details before me, I am not in a position to conclude on its effect.

14. In this regard, the proposal would conflict with the Council's development plan and the Framework, which always seek to secure high quality design, providing net gains in biodiversity where possible and creating safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. I attach these matters significant weight.

Other considerations

15. I note that the intention for the dwelling is to be self-sufficient with food growing, water harvesting, solar panels and composting areas. I also note that the site may contribute to reducing pollution and providing habitats through extensive tree stock. The site could feature an electric vehicle charging point, the appellant cycles, works locally and would source building materials from nearby suppliers. It is also detailed that the site would provide level access for wheelchairs and would meet secured by design standards. Firstly, and notwithstanding the appellant's assertions, I have little substantive evidence to demonstrate the self-sufficiency of the proposal. Secondly, as this would be a permanent dwelling, it may not always be occupied by the appellant and similar lifestyle choices could not be enforced upon future owners. Thirdly, a scheme outside the Green Belt could also provide similar design features. Thus, I attach these matters limited weight.

16. The appellant states that there would be landscaping planted in a 'green wall' to screen the development, and that much of it would be on the lower plateau; this would only slightly ameliorate its effect and I attach this limited weight.

17. The appellant asserts that the site to the west has 150 homes planned, being Sprink Farm, and that this would change the character of the area. Sprink Farm is identified in Policy PG 3 of the LPS for removal from the Green Belt. Sprink Farm shares its boundary with the appeal site, and I am advised that the appeal site has been submitted to the Council under a 'call for smaller sites'. Nevertheless, based on the evidence before me, the appeal site remains in the Green Belt, whereas Sprink Farm is identified for removal in the LPS; and whilst there may be a change to the character of the area over the course of time, as different development plan policies apply to each site, the Sprink Farm site allocation adds no weight in favour of this scheme.

18. The appellant details that the Green Belt constrains development and housing need arises across the whole area. The fundament aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Council has very recently adopted the LPS, and within this justified the removal of a number of parcels of land from the Green Belt for identified development needs. On this basis, the Green Belt boundaries in Cheshire East have been very recently reviewed and I attach very little weight to this matter.

19. I have noted and where relevant taken account of the various case law and planning decisions detailed by the appellant. The facts and circumstances of those developments are different from those in this appeal and each appeal has to be determined on its own merits. I afford this matter little weight.

Other Matters

20. The appellant has provided a number of development plan policies to which he believes the proposal is in compliance with. Given that the appeal site is in the Green Belt, I have focussed my assessment on the policies to which the Council believe there is conflict, being Policy PG 3 of the LPS, Policy GC1 of the LP and the Framework.

21. I am aware of the appellant's assertions regarding the Council's assessment of the proposal. This has had no bearing on my assessment of the material planning matters of this appeal.

22. I have noted the previous appeal decision at this site[1]. As detailed in my findings above, I agree with the Inspector's findings that the erection of a dwelling in this Green Belt location would be inappropriate development, harm the openness and the purposes of the Green Belt.

23. I understand from the appellant's documents that a net increase in dwellings in the district is required, but I have been presented with no further evidence in this regard. In the event that the Council could not demonstrate a 5 year supply of deliverable housing sites; paragraph 14 of the Framework details that permission should be granted, unless there are specific policies in the Framework, which indicate that development should be restricted. This includes land designated as Green Belt which is the case here. Overall therefore, as the proposal is inappropriate development in the Green Belt, it does not benefit from the presumption in favour of sustainable development.

Green Belt balance and Conclusion

24. I find that due to the limited information before me, I am not in a position to conclude on the effect of the proposal upon character and appearance, highway safety and protected species. Even if I were to find no harm in relation to these matters they would not weigh in favour of the proposal, they would merely have a neutral effect in the overall balance.

25. Having considered all matters raised in support of the proposal, they collectively do not clearly outweigh the totality of harm arising from inappropriateness, the conflict with one of the purposes of including land in the Green Belt and the harm to the openness of the Green Belt which attract substantial weight against the development.

26. Consequently, very special circumstances to justify the proposal do not exist and I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR

[1] APP/R0660/A/13/2207764